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10/697,849	10/30/2003	Andrew Doddington	14846-30	9764

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EXAMINER	
OYEBISI, OJO O	

ART UNIT	PAPER NUMBER
3696	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/697,849	DODDINGTON, ANDREW	
	Examiner	Art Unit	
	OJO O. OYEBISI	3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08/04/08*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,4,7-9,11-14 and 16-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,4,7-9,11-14 and 16-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/04/08 has been entered. In the RCE filed on 08/04/08, the following have occurred: Claims 1, 3, 7, 9, 11, 14, 16, 19 and 20 are amended hereby. Claims 2, 6, 10 and 15 have been cancelled hereby. Claims 21-25 have been added. Claims 1, 14, 20 and 23 are independent, and claims 1, 3, 4, 7-9, 11-14, and 16-25 are currently pending.

Claim Objections

Claim 21 is objected to because of the following informalities: Claim 21 refers to itself i.e., "the method of claim 21." Appropriate correction is required.

Claim Rejections - 35 USC §101

1. 35 U.S.C. §101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1, 3, 4, 7-9, 11-13 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

3. Based on Supreme Court precedent (*Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)) and recent Federal Circuit decisions, §101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (the Supreme Court recognized that this test is not necessarily fixed or permanent and may evolve with technological advances. *Gottschalk v. Benson*, 409 U.S. 63, 71 (1972)).

4. If neither of these requirements is met by the claim(s), the method is not a patent eligible process under 35 U.S.C. §101.

5. In this particular case, regarding the first test, in performing the steps of the claimed subject matter, there is no requirement that a machine be used, thus the claims are not considered sufficiently tied to another statutory class. Regarding the second test, since the claimed subject matter may be performed using only human intelligence, the steps do not sufficiently transform the underlying subject matter to be statutory. Thus, to qualify as a 101 statutory method, the claim should positively recite the other statutory class (the thing or product) to which it is tied and should sufficiently transform the underlying subject matter.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1, 3, 4, 7-9, 11-14, and 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandhu et al (US PAT: 6347307) in view of Reed (US Pat: 6,757,710).

Re claim 1. Sandhu discloses a method for modeling a financial product, comprising the steps of: displaying a palette of objects for constructing a financial product (see fig.17 element 1250, see fig.18 element 1350, see col.48 lines 50-67); displaying at least one window for graphically representing the financial product in the form of a tree that includes a hierarchy of entities (i.e., typically financial objects will be stored on the user's internal system as Java objects, which are in the form of object graphs. Such object graphs consist of inter-linked nodes representing the elements and the attributes of the financial object, see col.48 lines 56-62, see fig.3-6, also see col.49 lines 20-60); and selecting objects from the palette to construct the financial product (i.e., In some

embodiments of this invention, XML object mappings 1410 may be customized by the user, in order to correspond to the form and structure of the user's proprietary financial objects, see col.48 lines 65-66, also see col.49 lines 23-60), wherein at least one of the objects is a factory entity (see col.49 lines 26-33). Sandhu does not explicitly disclose wherein selecting the objects from the palette includes dragging the objects from the palette to the window. However, Reed discloses selecting the objects from the palette includes dragging the objects from the palette to the window (i.e.,The resulting icon 1542 would then be ready for use. The user could then add other communications object system users to this discussion, such as Mary 5146 and Trent 5147, by dragging their icons from the user palette 5131 and dropping them on top of the discussion group icon 5126, see col.143 lines 50-56). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Sandhu and Reed to allow a pointing device to be used to select one or more screen objects for action by a program command

Re claim 3. Sandhu further discloses the method wherein the tree structure corresponds to an XML document (i.e., FinXML trade element structure, see fig,3, also see fig.7 elements 1100, 1110, 1120, also see col.37 lines 40-60).

Re claim 4. Sandhu further discloses the method, wherein an XML schema defines a valid structure for the XML document (i.e., FinXML events element structure, see fig.6)

Re claim 7. Sandhu further discloses the method, further including displaying the attributes of an entity (see col.48 lines 57-60, also see col.49 lines 20-33).

Re claim 8. Sandhu further discloses the method, wherein displaying the attributes of an entity includes displaying an attribute name and corresponding attribute values (see col.49 lines 20-33).

Re claim 9. Sandhu further discloses the method, further including editing an entity using a data entry form (see col.48 lines 50-67)

Re claim 11. Sandhu further discloses the method, further including providing a Watcher entity (see col.48 lines 57-60, also see col.49 lines 20-33).

Re claim 12. Sandhu further discloses the method, wherein the Watcher entity is a Logging Watcher entity (see col.48 lines 57-60, also see col.49 lines 20-33).

Re claim 13. Sandhu further discloses the method of claim 11, wherein the Watcher entity is an Action Watcher entity (see col.48 lines 57-60, also see col.49 lines 20-33).

Re claim 14. Sandhu further discloses a computer system for modeling a financial product, comprising: a display device for displaying a palette of objects for constructing a financial product (see fig.17 element 1250, see fig.18 element 1350, see col.48 lines 50-67) and a window for graphically representing the financial model in the form of a tree that includes a hierarchy of entities (i.e., typically financial objects will be stored on the user's internal system as Java objects, which are in the form of object graphs. Such object graphs consist of inter-linked nodes representing the elements and the attributes of the financial object (see col.48 lines 56-62); an input device for selecting objects from the palette; and a processor configured to construct the financial model using the selected objects (i.e., In some embodiments of this invention, XML object mappings 1410 may be customized by the user, in order to correspond to the form and structure of

the user's proprietary financial objects, see col.48 lines 65-66, also see col.49 lines 23-60), wherein at least one of the objects is a factory entity (see col.49 lines 26-33). Sandhu does not explicitly disclose wherein selecting the objects from the palette includes dragging the objects from the palette to the window. However, Reed discloses selecting the objects from the palette includes dragging the objects from the palette to the window (i.e.,The resulting icon 1542 would then be ready for use. The user could then add other communications object system users to this discussion, such as Mary 5146 and Trent 5147, by dragging their icons from the user palette 5131 and dropping them on top of the discussion group icon 5126, see col.143 lines 50-56). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Sandhu and Reed to allow a pointing device to be used to select one or more screen objects for action by a program command.

Re claim 16. Sandhu further discloses the system wherein the tree structure corresponds to an XML document (i.e., FinXML trade element structure, see fig,3, also see fig.7 elements 1100, 1110, 1120, also see col.37 lines 40-60).

Re claim 17. Sandhu further discloses the system, wherein an XML schema defines a valid structure for the XML document (i.e., FinXML events element structure, see fig.6)

Re claim 19. Sandhu further discloses the system, wherein the tree structure includes a hierarchy of entities, each of the entities having at least one attribute name and a corresponding attribute value(see col.48 lines 57-60, also see col.49 lines 20-33).

Re claim 20. Sandhu further discloses a program storage device readable by a machine, tangibly embodying a program of instructions executable on the machine to

perform method steps for modeling a financial product, the method steps comprising: displaying a palette of objects for constructing a financial product product (see fig.17 element 1250, see fig.18 element 1350, see col.48 lines 50-67); displaying at least one window for graphically representing the financial product in the form of a tree that includes a hierarchy of entities (i.e., typically financial objects will be stored on the user's internal system as Java objects, which are in the form of object graphs. Such object graphs consist of inter-linked nodes representing the elements and the attributes of the financial object, see col.48 lines 56-62); and selecting objects from the palette to construct the financial product (i.e., In some embodiments of this invention, XML object mappings 1410 may be customized by the user, in order to correspond to the form and structure of the user's proprietary financial objects, see col.48 lines 65-66, also see col.49 lines 23-60); wherein at least one of the objects is a factory entity (see col.49 lines 26-33). Sandhu does not explicitly disclose wherein selecting the objects from the palette includes dragging the objects from the palette to the window. However, Reed discloses selecting the objects from the palette includes dragging the objects from the palette to the window (i.e.,The resulting icon 1542 would then be ready for use. The user could then add other communications object system users to this discussion, such as Mary 5146 and Trent 5147, by dragging their icons from the user palette 5131 and dropping them on top of the discussion group icon 5126, see col.143 lines 50-56). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Sandhu and Reed to allow a pointing device to be used to select one or more screen objects for action by a program command.

Re claim 21. Sandhu further discloses the method, wherein the Factory entity is an iterator Factory that includes an exempler and one or more value streams (see col.50 lines 26-55).

Re claim 22. Sandhu further discloses the method, wherein the value streams include one or more of an integer stream, a date stream and an accrual stream (see col.50 lines 26-55).

Re claim 23. Sandhu further discloses a method for modeling a financial product, comprising the steps of: displaying a palette of objects for constructing a financial product (see fig.17 element 1250, see fig.18 element 1350, see col.48 lines 50-67); displaying at least one window for graphically representing the financial product in the form of a tree that includes a hierarchy of entities and in the form of a tree that includes a hierarchy of entities (i.e., typically financial objects will be stored on the user's internal system as Java objects, which are in the form of object graphs. Such object graphs consist of inter-linked nodes representing the elements and the attributes of the financial object, see col.48 lines 56-62); and selecting objects from the palette to construct the financial product (i.e., In some embodiments of this invention, XML object mappings 1410 may be customized by the user, in order to correspond to the form and structure of the user's proprietary financial objects, see col.48 lines 65-66, also see col.49 lines 23-60) , wherein at least one of the objects is a watcher entity (see col.49 lines 26-33). Sandhu does not explicitly disclose wherein selecting the objects from the palette includes dragging the objects from the palette to the window. However, Reed discloses selecting the objects from the palette includes dragging the objects from the palette to

the window (i.e.,The resulting icon 1542 would then be ready for use. The user could then add other communications object system users to this discussion, such as Mary 5146 and Trent 5147, by dragging their icons from the user palette 5131 and dropping them on top of the discussion group icon 5126, see col.143 lines 50-56). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Sandhu and Reed to allow a pointing device to be used to select one or more screen objects for action by a program command.

Re claim 24. Sandhu further discloses the method, wherein the Watcher entity is a Logging Watcher entity (see col.48 lines 57-60, also see col.49 lines 20-33).

Re claim 25. Sandhu further discloses the method, wherein the Watcher entity is an Action Watcher entity (see col.48 lines 57-60, also see col.49 lines 20-33).

Response to Arguments

Applicant's arguments filed 07/01/08 have been fully considered but they are not persuasive. The applicant argues in substance that neither Sandhu nor Reed discloses selecting objects from the palette to construct the financial product, wherein selecting the objects from the palette includes dragging the objects from the palette to the window, wherein at least one of the objects is a factory entity. Contrary to the applicant's assertion, Sandhu explicitly discloses that user may customize XML object mappings in order to correspond to the form and structure of the user's proprietary financial objects (i.e., typically, financial objects will be stored on the user's internal system as Java objects, which are in the form of "object graphs." Such object graphs consist of inter-linked nodes representing the elements and attributes of the financial

object. Upon receiving financial objects, the Connect Processor will identify the applicable XML object mapping 1410 to apply to financial objects 1400. In some embodiments of this invention, XML object mappings 1410 may be customized by the user, in order to correspond to the form and structure of the user's proprietary financial objects, see col.48 lines 51-67). Thus, the customization of the XML object mapping in order to correspond to the form and structure of the user's proprietary financial objects, as taught by Sandhu, is tantamount to "selecting objects from the palette to construct the financial product, wherein at least one of the objects is a factory entity, a watcher entity" as disclosed by the applicant. Sandhu does not explicitly disclose the limitation "wherein selecting the objects from the palette includes dragging the objects from the palette to the window." However, the secondary reference, Reed compensates for the incomplete teachings of Sandhu by teaching the limitation "wherein selecting the objects from the palette includes dragging the objects from the palette to the window." Reed teaches that a communications object system user interface, drag-and-drop operations can be used for creating, editing, associating, dessociating, or deleting communications objects and communications object components. For example, a user could create a new open discussion topic 110 by dragging the open discussion icon 5126 into a workspace window 5141. The dragging action would result in a dialog box prompting the user for the new properties of the discussion topic object (1451, FIG. 29B). The resulting icon 1542 would then be ready for use. The user could then add other communications object system users to this discussion, such as Mary 5146 and Trent 5147, **by dragging their icons from the user palette 5131 and dropping them on**

top of the discussion group icon 5126, see col.143 lines 40-56). Thus the addition of objects to the discussion, as taught by Reed, by dragging their icons from the user palette and dropping them on top of the discussion group icon is construed to constitute "wherein selecting the objects from the palette includes dragging the objects from the palette to the window," as disclosed by the applicant.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571)272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571)272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OJO O OYEBISI/
Examiner, Art Unit 3696